



**National Science Foundation • Office of Inspector General**

2415 Eisenhower Avenue, Alexandria, Virginia 22314

November 13, 2019

Anthony Lauzon  
[81231-68069341@requests.muckrock.com](mailto:81231-68069341@requests.muckrock.com)

Via E-mail

RE: FOIA Request No. 20-008

Dear Mr. Kimmett:

You filed a request on November 7, 2019 with the National Science Foundation Office of Inspector General (NSF OIG).

Although not specifically characterizing your request as a new request under the Freedom of Information Act (FOIA), 5 USC 552, the NSF OIG has interpreted it as a new request under FOIA, and has assigned the following number to that request: F-20-008. In your own words, you seek the following information:

*I just wanted to paste the link to the audit PDF here, which seems to indicate strange spending by the University of Pennsylvania within a clandestine program that may be involuntarily utilizing and imprisoning human test subjects during the course of their research in the DARPA funded Restoring Active Memory project. It is worth at least going over some of the line items in the audit with a more fine-toothed comb, especially for individual contractors and any locations near 116 S. 19th St, Philadelphia, PA, 19103 or 1401 N. 5th St, Philadelphia, PA, 19122, locations involved in complaints of criminal involuntary human test subject experimentation by the university and its researchers. Since the linked document is highly redacted, it is impossible to conduct further analysis and investigation into criminal involuntary test subject activity. Is there any way that the report can be released without the redactions?*

[https://www.nsf.gov/oig/\\_pdf/19-1-013\\_University%20of%20Pennsylvania.pdf](https://www.nsf.gov/oig/_pdf/19-1-013_University%20of%20Pennsylvania.pdf)

The link you provided is a redacted report for NSF OIG Audit number 19-1-013. NSF OIG has interpreted the request as seeking a fresh look at this redacted report, with a view towards explaining the redactions and/or releasing more information. After conducting a line-by-line review of all of the redactions, very little has changed in what we can provide to you. The main difference between what is posted online and what is provided herein is the applicable FOIA exemptions, which appear in each redacted block of verbiage. The applicable redactions are based on exemptions under FOIA and are summarized below.

- Exemption (b)(4). Trade secrets and commercial or financial information obtained from a person, and privileged or confidential. Information subject to this exemption is that customarily held in confidence by the originator(s), including nonprofit organizations and their employees. Release of such information is likely to cause substantial harm to the competitive position of the originator or submitter, or impair the Foundation's ability to obtain such information in the future.
- Exemption (b)(6). Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

If you seek further assistance or wish to discuss any aspect of your request, please contact me, the OIG's FOIA Public Liaison, at (703) 292-7100 or [foiaoirg@nsf.gov](mailto:foiaoirg@nsf.gov). Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at 1(877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with the OIG's response to your request, you may administratively appeal by writing to the Counsel to the Inspector General, Kenneth Chason, Office of the Inspector General, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. Alternatively, you may appeal directly to the General Counsel of the Foundation, at the same address.<sup>1</sup> Your appeal must be postmarked or electronically transmitted within 90 days from the date of this response.

Additionally, please note that Congress has excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Sincerely,

/s/

Elizabeth Sweetland  
Assistant Counsel to the Inspector General  
National Science Foundation  
Office of Inspector General

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<sup>1</sup> For appeals to NSF's General Counsel, note the requirements of 45 C.F.R. § 612.9(a): "You must make your appeal in writing and it must be received by the Office of the General Counsel within ten days of the receipt of the denial (weekends, legal holidays, and the date of receipt excluded). Note that this 10-day time period has been superseded by recent legislation enacting a 90-day time period, referenced above. Clearly mark your appeal letter and the envelope 'Freedom of Information Act Appeal.' Your appeal letter must include a copy of your written request and the denial together with any written argument you wish to submit."